

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA
MUSKOGEE DIVISION

DAKOTA VAUGHN,	§	
	§	
Plaintiff,	§	
	§	
v.	§	CASE NO. 6:17-CV-00086-RAW
	§	
ARKANSAS EGG COMPANY, INC.,	§	
an Arkansas corporation; VITAL	§	
FARMS, INC., a Delaware	§	
corporation; MICHAEL A. COX, JR.,	§	
an Individual; RUSSELL DIEZ-	§	
CANSECO, and Individual; and	§	
MATT O'HAYER, an Individual,	§	
	§	
Defendants.	§	

STIPULATION OF PARTIAL DISMISSAL WITH PREJUDICE

Plaintiff Dakota Vaughn ("Plaintiff") and Defendants Arkansas Egg Company, Inc., Vital Farms, Inc., Michael A. Cox, Jr., Russell Diez Canseco, and Matt O'Hayer (collectively, "Defendants") file this Stipulation of Partial Dismissal with Prejudice under Federal Rule of Civil Procedure 41(a)(1)(A)(ii), and state as follows:

1. On February 13, 2017, Plaintiff sued Defendants in the District Court of Adair County, Oklahoma ("State Court"). Later, on March 3, 2017, Plaintiff filed a First Amended Petition in the State Court.

2. On March 7, 2017, Defendants timely removed Plaintiff's lawsuit to this Court based on both federal question and diversity jurisdiction grounds. *See* ECF No. 2.

3. Plaintiff's First Amended Petition alleges the following causes of action against the following Defendants:

a. ***RICO Claims.*** Plaintiff alleges a RICO conspiracy under 18 U.S.C. 1962(d) against the individual defendants, Messrs. Cox, Diez-Canseco, and O'Hayer.

b. ***Contract-based Claims.*** Plaintiff alleges (1) promissory estoppel/detrimental reliance and (2) breach of good faith and fair dealing (as a tort and contract claim) against Arkansas Egg Company, Inc. and Vital Farms, Inc.

c. ***Declaratory Relief.*** Plaintiff seeks a declaration invalidating non-competition and arbitration clauses in its contracts with Vital Farms, Inc.

4. After removal, Defendants filed a timely joint motion to dismiss under Rules 12(b)(1) and (6). *See* ECF No. 21.

5. By way of this Stipulation of Partial Dismissal with Prejudice, Plaintiff now moves to dismiss with prejudice his RICO claims against Messrs. Cox, Diez-Canseco, and O'Hayer.

6. Additionally, Plaintiff moves to dismiss with prejudice his promissory estoppel/detrimental reliance claims alleged against Defendants Arkansas Egg Company, Inc. and Vital Farms, Inc.

7. This case is not a class action under Rule 23, a derivative action under Rule 23.1, or an action related to an unincorporated association under Rule 23.2. Further, no receiver has been appointed in this case.

8. Plaintiff has not previously dismissed any federal or state-court suit based on or including the same claims as those presented in this case.

9. As a result of this Stipulation of Partial Dismissal with Prejudice, Plaintiff will no longer pursue any state or federal claims against Messrs. Cox, Diez-Canseco, and O'Hayer; thus, they are no longer parties in this dispute.

WHEREFORE, the Parties request the Court to enter an order dismissing with prejudice Plaintiff's RICO claims against Messrs. Cox, Diez-Canseco, and O'Hayer, as well as Plaintiff's promissory/detrimental reliance claims against Arkansas Egg Company, Inc. and Vital Farms, Inc. The Parties further request the Court to remove the names of Messrs. Cox, Diez-Canseco, and O'Hayer as defendants in this dispute. The parties request such other and further relief that they may be entitled to at law and/or equity.

Dated: April 14, 2017.

/s/ William R. Mayo

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AND MICHAEL A. COX, JR.**

CERTIFICATE OF SERVICE

This is to certify that on April 14, 2017April 14, 2017, I electronically filed the foregoing with the Clerk of the Court using the ECF System. Based on the records on file, the Clerk of the Court will transmit a Notice of Electronic Filing to the following ECF registrants:

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